IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 6065 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

AJAY CHIMANLAL MEHTA

Versus

CENTRAL BUREAU INVESTIGATION

Appearance:

1. Criminal Misc.Application No. 6065 of 2001

MR KJ PANCHAL for Petitioner No. 1

MR AMIT J SHAH for Respondent No. 1

MR SJ DAVE APP for Respondent No. 2

CORAM : MR.JUSTICE D.P.BUCH

Date of decision: 13/08/2001

ORAL JUDGEMENT

1. Rule. Mr. Amit J. Shah learned advocate

appearing for respondent no.1 and Mr. S.J.Dave, learned APP appearing for respondent no.2 waive service of Rule. By consent, this application is being heard and disposed of finally.

2. The applicant herein has been enlarged on bail by the learned Special Judge,(CBI) Ahmedabad, Court No.4 by order dated 11.01.2000 placed at page 12. The applicant contends that on account of involvement in the business, he is required to go abroad on behalf of his company as well as a delegate with the delegation of the Government of India; that therefore it is extremely difficult on his part to obtain permission of the court for going abroad. It is therefore prayed that the said condition imposed on him by the Trial Court for obtaining the permission before leaving this country, be quashed and set aside. After having heard the learned advocates for the parties and after going through the materials made available to me it is found that the applicant has visited some countries with the permission of the Trail Court and there is no dispute that the applicant has returned to India within the time stipulated by the Court. This indicates that the applicant has never committed violation of the terms and conditions of the said order, or the terms and conditions of the permission granted by the Trial Court permitting the applicant to visit abroad.

3. In above view of the matter, this application is partly allowed. The above condition requiring the applicant to obtain permission before leaving this country from the Trial Court is ordered to be suspended for period upto 31st December,2001. It will be open to the applicant to make appropriate application before the appropriate Court as and when circumstances may arise.

4. Rule is made absolute to the above extent. Direct service is permitted.

(D.P.Buch,J.)

(vipul)